IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3010 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PREMJI KANJI CHAM

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MR JS YADAV, ADDL. CENTRAL GOVT. STANDING COUNSEL FOR THE Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 02/05/2001

ORAL JUDGEMENT

Rule. Mr. J.S. Yadav, learned Addl. Central Govt. Standing Counsel appears and waives service of rule on behalf of the respondent authority.

2. Learned counsel for the respondent states that

some criminal is still pending against the petitioner before the Criminal Court and hence the passport cannot be issued in favour of the applicant and there are also certain conditions for renewal of the passport.

3. Learned counsel for the respondent authority states that there is provision u/s 6 (2) of the Passport Act, 1967, wherein it is provided that subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of Section 6 on any one or more of the grounds, and on no other grounds, mentioned in this section.

4. Section 6 (2) (f) of the passport Act provides that the proceedings in respect of an offence alleged to have been committed by the applicant, are pending before a Criminal Court in India, the authority can refuse to issue a passport or travel document.

5. Learned counsel for the petitioner states that the petitioner has moved an application for renewal of the passport on 14-11-2000 before the authority concerned but the authority concerned has not entertained the same and informed the petitioner that unless and until some order is passed by Court of Law the respondent authority has no power or authority to make correction in the passport.

6. In the facts land circumstances of the case, this petition is being disposed of with a direction to the respondent authority to entertain, consider and decide the application or representation filed by the petitioner on the basis of the material supplied by the petitioner in accordance with law, within a month from the date of presentation of a certified copy of this order of receipt of writ of this Court, which ever is earlier. The respondent authority would be at liberty to pass appropriate order with regard to the costs of these proceedings. Rule is discharged with no order as to costs.

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/JVSatwara/